

BEFORE THE TENNESSEE REGULATORY AUTHORITY

AT NASHVILLE, TENNESSEE

January 17, 2002

IN RE:)	
)	
NOTICE OF US LEC CORP OF A "BONA)	DOCKET NO. 00-00026
FIDE REQUEST" FOR AN INTERCONNECTION)	
AGREEMENT WITH THE TDS LOCAL)	
EXCHANGE CARRIERS PURSUANT TO)	
47 U.S.C. SECTION 251)	

**ORDER VACATING ORDER AMENDING PROCEDURAL SCHEDULE AND
SUSPENDING ACTIVITY IN THIS DOCKET PENDING THE FILING OF A NEW
REQUEST BY US LEC FOR AN INTERCONNECTION AGREEMENT**

On January 14, 2000, US LEC Corp. ("US LEC") filed with the Tennessee Regulatory Authority (the "Authority" or "TRA") notification, pursuant to 47 U.S.C. § 251(f)(1), of its "bona fide request" for interconnection with four local exchange carriers in Tennessee owned by TDS TELECOM. At the time of the filing there was pending before the Authority TRA Docket No. 99-00613, which had been opened upon the filing of the Petition of the Tennessee Small Local Exchange Company Coalition (the "Coalition") for Temporary Suspension of 47 U.S.C. §§ 251(b) and 251(c) pursuant to 47 U.S.C. §§ 251(f) and 253(b). The TDS TELECOM companies were a part of the Coalition.¹ US LEC's notification and the subsequent filings related thereto were filed in TRA Docket No. 00-00026. On January 21, 2000, the TDS

¹ The Coalition consists of the following members: Ardmore Telephone Companies, Inc., Century Telephone Enterprises, Inc., CenturyTel of Adamsville Inc., CenturyTel of Claiborne, Inc., CenturyTel of Ooltewah-Collegedale, Inc., Loretto Telephone Company, Inc., Millington Telephone Company, Inc., the TDS TELECOM companies in Tennessee consisting of Concord Telephone Exchange, Tennessee Telephone Company, Tellico Telephone Company, Humphreys County Telephone Company (collectively the "TDS local exchange carriers"), and the Telephone Electronics Corp. ("TEC") companies in Tennessee consisting of Crockett Telephone Company, Inc., Peoples Telephone Company, Inc. West Tennessee Telephone Company, Inc., and United Telephone Company, Inc.

TELECOM companies, consisting of Concord Telephone Exchange, Tennessee Telephone Company, Tellico Telephone Company and Humphreys County Telephone Company, filed a Motion to Suspend US LEC's "bona fide request." In that Motion, the TDS TELECOM companies asked that the request of US LEC and "all similar requests be suspended pursuant to 47 U.S.C. §251(f)(2) until final action on the petition filed by the Coalition in Docket No. 99-0613."²

At a Pre-Hearing Conference held on March 17, 2000 in Docket No. 99-00613, the parties, which included US LEC, agreed that a decision in Docket No. 99-00613 resulting in a suspension of the requirements for interconnection set forth in 47 U.S.C. § 252 would act as a suspension of US LEC's request. Based upon this understanding, the parties reached an agreement that US LEC's request in Docket No. 00-00026 would be held in abeyance pending a determination of the Coalition's petition for suspension in Docket No. 99-00613.³

On November 6, 2001, the Coalition filed in Docket No. 99-00613 a Notice of Withdrawal of the Petition in that docket. At an Authority Conference held on November 20, 2001, the Authority accepted and approved the withdrawal of the Coalition's Petition in Docket No. 99-00613. Based upon the agreement of the parties and the withdrawal of the Coalition's Petition in Docket No. 99-00613, the Pre-Hearing Officer determined that US LEC's request for interconnection in this docket should no longer be held in abeyance. The Pre-Hearing Officer entered an Order establishing a procedural schedule for discovery and the filing of testimony in this docket.⁴ Upon agreement of the parties, an *Order Amending Procedural Schedule* was entered on November 26, 2001.

² See *Motion of "TDS Local Exchange Carriers" to Suspend the Interconnection Request of US LEC Corp. Pursuant to 47 U.S.C. §251(f)(2)*, TRA Docket No. 00-00026 (January 21, 2000), p. 1.

³ See *Second Report and Recommendation of Pre-Hearing Officer*, TRA Docket No. 99-00613 (March 23, 2000), pp. 7-8.

⁴ See *Order Establishing Procedural Schedule*, TRA Docket No. 00-00026 (November 16, 2001).

On November 26, 2001, US LEC filed with the Pre-Hearing Officer a request for interconnection which, according to US LEC, “supercedes the request previously filed by US LEC in this docket.”⁵ In its letter to the Pre-Hearing Officer, US LEC stated that its request applied to: Concord Telephone Exchange – Concord; Tellico Telephone – Vonore Exchange; and Tennessee Telephone Company – Halls Crossroads, LaVergne and Mt. Juliet Exchanges.⁶

On December 3, 2001, the Pre-Hearing Officer received a letter confirming that the parties in this docket had agreed that US LEC was withdrawing its request filed on November 26, 2001 because that request was incorrect. In addition, the parties agreed that “US LEC would be filing a new §251(f)(1) request . . . and that the new request will restart the 120 day period.”⁷

On January 8, 2002, the Pre-Hearing Officer met with the parties to ascertain whether US LEC had initiated a new §251(f)(1) request as stated in the December 3, 2001 letter. Counsel for US LEC acknowledged that a new request had not been initiated and reaffirmed that a new 120 day period would not commence until the filing of a new request. The parties agreed that there would be no activity in this docket until after US LEC files a new request. As of the date of this Order, a new request for interconnection has not been filed by US LEC with the Authority.

In consideration of the foregoing,

IT IS THEREFORE ORDERED THAT:

1. The Pre-Hearing Officer’s *Order Amending Procedural Schedule* entered on November 26, 2001 is hereby vacated.
2. All activity in this docket is suspended until such time as US LEC files a new request for interconnection in this docket.

⁵ See Letter of Henry Walker addressed to Richard Collier, Hearing Officer, dated November 25, 2001 (filed with the Authority on November 26, 2001).


⁶ *Id.*

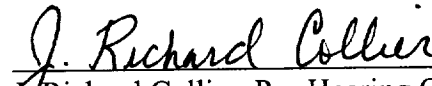
⁷ Letter of Tara L. Swafford addressed to Richard Collier, dated December 3, 2001 (filed with the Authority on December 3, 2001).

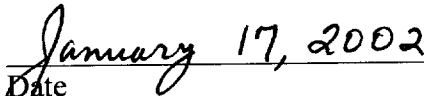
3. In the event that a new request for interconnection is not filed within sixty (60) days of the date of this Order, the Pre-Hearing Officer may enter an order closing this docket, upon motion by any party or *sua sponte*.

4. Any party aggrieved by this Order may file a Petition for Reconsideration with the Pre-Hearing Officer within fifteen (15) days of the date of this Order.

ATTEST:


K. David Waddell, Executive Secretary


J. Richard Collier, Pre-Hearing Officer


Date